

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

September 13-17, 2004

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
9-14	EX	76259604	Orincon Industries, Inc.	Hairston Chapman* Bucher	2(e)(1)	Refusal Reversed		“TRAC SYSTEM” [integrated hardware and software components consisting of an inductive loop detector, an inductive loop signal analyzer, a local controller, a central processing unit with a portal to the Internet, a telephone, fiber optic, or wireless communications interface, and traffic management software for analyzing signals from inductive loops to determine the identification, speed, and location of vehicles, tracking the position of vehicles, and providing access to traffic statistics]		Madden	No
9-14	EX	78120080	Mogul Enterprises, Inc.	Seeherman Walters* Rogers	2(e)(1)	Refusal Affirmed		“SLENDERCATH” [catheter for cardiac electrophysiology diagnostics and therapeutics]		L. Dalier	No
9-14	OPP	91125884	Kellogg Co. v. General Mills, Inc.	Quinn Walters* Holtzman	whether opposer established its standing to bring its claims under 2(e)(1) and 2(f)	Opposition Dismissed		“CINNAMON TOAST CRUNCH” [cereal derived ready-to-eat food bar]			No

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(2) *=Opinion Writer; (D)=Dissenting Panel Member

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9-14	CANC	92028287	Deckers Outdoor Corp. v. Shoe Show, Inc.	Seeherman* Walters Drost	2(d)	Petition to Cancel Denied	"SIMPLE" [shoes]	"SIMPLE IMAGES" (and design) [footwear]			No
9-14	EX	75373098	Compu-netix, Inc.	Seeherman Quinn* Hairston	2(d)	Refusal Reversed		"ENSEMBLE" [equipment, namely, videoconferencing bridges for use in displaying two or more images simultaneously for videoconferencing]	"ENSEMBLE" [telecommunications services, namely, electronic and wireless transmission of messages, voice, and data; electronic messaging services, namely, the recording, storage and retrieval of voice and text messages; and providing access to a global computer network]	Sappenfield	No
9-14	EX	76424590	Superchips, Inc.	Simms Walters* Chapman	2(e)(1)	Refusal Affirmed		"SUPERCHIPS INC." [hand-held electronic computers for use in programming automotive computers]		Gilbert	No
9-14	EX EX	78017859 78017877	Myron Stuart Hurwitz	Quinn* Chapman Bucher	2(e)(1)	Refusal Affirmed in both cases		"EDGING CONTROL" and "EDGING FRICTION CONTROL" [both marks for in-line skates and skateboards, and downhill in-line skates and skateboards, all featuring slow-down and braking wheel assemblies]		N. Clarke	No

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9-16	EX	76386745	American Sporting Goods Corp.	Hohein Bucher Holtzman*	2(d)	Refusal Affirmed		"ARCH ROCKER" [footwear]	"ROCKERS" [canvas and non-leather shoes]	Micheli	No
9-16	EX	75617075	Tera Media Corp.	Hanak* Quinn Bucher	2(d)	Refusal Reversed		"TERA MEDIA CORPORATION" (and design) [blank recordable, removable optical and magnetic storage media]	<i>2 cited registrations, owned by the same entity, of the mark "TERAMEDIA" [computer hardware and software for multimedia communications and networks, namely, computers, monitors, projectors, keyboards, fingerprint scanners, cameras, microphones, switches, transmitters, servers, terminals, utility concentrators, power supplies, encoders, and software therefor; and instruction manuals sold therewith] and [installation and maintenance of hardware and software for multimedia communications; telecommunications services, namely, electronic transmission of video and data]</i>	Cross	No

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9-16	EX	76365748	The Trustees of the Harold Lloyd Film Trust	Simms Hanak* Walters	2(d)	Refusal Affirmed		mark comprising a stylized graphic representation of a pair of eyeglasses [posters; coasters]	mark comprising a stylized graphic representation of a pair of eyeglasses [postcards, calendars, stationery]	Gearin	No
9-16	EX	76364848	Merz Pharmaceuticals, LLC	Quinn* Bottorff Rogers	whether the words applicant seeks to register function as a mark for its recited goods or merely as an informational phrase; if the words applicant seeks to register function as a mark, whether the mark is generic; whether, if not generic, the mark has acquired distinctiveness under Section 2(f)	Refusal Affirmed on grounds of failure to function as a mark and lack of acquired distinctiveness but not on the basis of genericness		"SKIN CARE FOR SCARS" [pharmaceuticals, namely, a gel, cream, or ointment designed to improve the appearance of scars, blemishes, and other skin imperfections]		Mandir	No

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